

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 99-187

March 30, 1999

Delegation Of Authority To Director Of
Technical Analysis To Approve Service
Territory Changes By Local Exchange
Carriers

DELEGATION ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

By this Order, pursuant to 35-A M.R.S.A. § 107 (4) and Chapter 110, § 1305 of the Commission's rules, we delegate to the Director of Technical Analysis the authority of the Commission under 35-A M.R.S.A §§ 2102 and 2105 to approve service territory changes by local exchange carriers.

As explained in our recent Order in *Communications Design, Inc. Petition for Finding of Public Convenience and Necessity to Provide Service as a Local Exchange and as a Facilities-Based Interexchange Telephone Utility, Order Granting Authority (March 17, 1999)*, we will approve an initial or additional service territory for facilities-based local exchange service only for those locations where the local exchange carrier (LEC) has made a reasonable showing that it will be providing facilities-based local exchange service within the areas in question within a reasonable period of time. In that Order we stated that we would approve "expeditiously" changes in service territory pursuant to sections 2102 and 2105, as well as accompanying changes to LECs' terms and conditions that state their service areas.

In order to make the process of approving changes in service territory for facilities-based local exchange service as expeditious as possible, we delegate to the Director of Technical Analysis the authority 1) to determine that a LEC has made a reasonable showing that it will be providing facilities-based service to the area in question in the near future and 2) to approve the change in service territory pursuant to 35-A M.R.S.A § 2102. In Docket No. 97-028, we previously delegated authority to the Director to approve changes in terms and conditions filed by local exchange carriers. We restate that delegation in this Order.

For carriers that provide local exchange service solely through resale (i.e., the purchase of local exchange service at a wholesale discount pursuant to 47 U.S.C. § 251 (c) (4)) and that request changes in service territory, we will not require the showing described above. Nevertheless, because those changes are routine, we will also delegate the authority to approve them (and accompanying terms and conditions changes) to the Director of Technical Analysis.

This Order does not delegate to the Director of Technical Analysis the authority to approve an initial service territory. It also does not delegate to the Director the authority to disapprove any proposed changes in a LEC's service territory. If the Director believes that a LEC has not made a reasonable showing that it will be providing facilities-based local exchange service to the area in question within a reasonable time period, and the LEC does not agree with the Director's analysis, the matter shall be referred to the Commission.

Dated at Augusta, Maine this 30th day of March, 1999.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Yes ☐ No ☐ Absent ☐ Welch
 Yes ☐ No ☐ Absent ☐ Nugent
 Yes ☐ No ☐ Absent ☐ Diamond

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